

HILDA SCHEIB, ESQ.
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San Francisco, CA 94129
415-750-9397

Attorney for Petitioner

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DANIEL ALAS,)	C 07-3811 SI
)	
Petitioner,)	
)	
v.)	
)	
WILLIAM SULLIVAN, et al.,)	
)	
Respondents.)	
)	

**DECLARATION OF COUNSEL IN SUPPORT OF
APPLICATION FOR EXTENSION OF TIME**

I, HILDA SCHEIB, declare under penalty of perjury as follows:

1. I am the attorney representing petitioner in this matter.
2. Petitioner is a state prisoner who was convicted of second degree murder. He was sentenced to a state prison term of 30 years to life plus six years in state prison, based on the conviction and on two enhancements: one for a prior serious felony conviction and one for weapon use. Petitioner is currently incarcerated and serving that term.
3. Petitioner filed a petition for writ of habeas corpus with this Court on July 25, 2007. This Court issued an Order to Show Cause on July 31, 2007.
4. Respondent filed a response to the Order to Show Cause and Memorandum of

Points and Authorities on January 14, 2008.

5. I am now respectfully requesting that the Court grant an extension of 60 days for the filing of the traverse. No prior extensions have been requested.

I am unable to complete the traverse prior to that time because of business deadlines during the period since receipt of the response and extending for six weeks beyond it. These include Petitions for Review in People v. Curry (C059019), People v. Harris (C053394) and People v. Montanez (C052801), all due within the next week, and People v. Salman (A114970), filed two weeks ago; oral argument in People v. Jeffries (A114243), which took place yesterday; opening briefs in People v. Mosley (C056207), People v. Sardin (C054906), People v. Jones (A118160) and People v. Cornett (A119231), all either filed since January 14 or due within the next few weeks, and reply briefs in People v. Muniangi (C054368) and In re Roberto V. (F053399), both filed within the past month, and reply briefs in People v. Smith and People v. Sullivan (H031007), both due within the next three weeks. In addition, I am in the midst of reading a 3,000-page transcript in People v. Perez-Gomez (C056219), in preparation for filing a brief within the next several weeks. Since I could not anticipate when respondent's response would be filed, I have additional opening briefs to be filed within the next 6 weeks, including those in People v. Smith (A118208) and People v. Nunez, both of which involve extensive records.

In addition, during the past month, I have had extensive dental work which has resulted in significant absence from work.

I have left an email message for the Attorney General, informing her that I am requesting an extension of time.

Dated: February 7, 2008

Respectfully submitted,

Hilda Scheib
Attorney for Petitioner

DECLARATION OF SERVICE BY MAIL

Case Name: Alas v. Sullivan
No. C07-3811 SI

I, HILDA SCHEIB am an attorney licensed to practice law in the State of California and not a party to the within action. My business address is P. O. Box 29098, San Francisco, CA 94129. On February 12, 2008, I caused to be served a true and correct copy of the attached APPLICATION FOR EXTENSION OF TIME TO FILE RESPONSE; DECLARATION OF COUNSEL IN SUPPORT OF APPLICATION FOR EXTENSION OF TIME; ORDER on:

Linda Murphy, Deputy Attorney General
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102

Daniel Alas

by placing it in a sealed envelope with first class postage thereon fully prepaid, and depositing it in the United States mail at San Francisco, CA.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 12th day of February, 2008, in San Francisco, California.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DANIEL ALAS,) C 07-3811 SI
)
Petitioner,) ORDER
)
v.)
)
WILLIAM SULLIVAN,)
)
Respondent.)
_____)

On application of counsel and good cause appearing, the time to file the traverse to respondent's answer to the Order to Show Cause is extended to and including April 13, 2008.

Dated:

SUSAN ILLSTON
United States District Court Judge

HILDA SCHEIB, ESQ.
SBN 96081
P. O. Box 29098
San Francisco, CA 94129
415-750-9397

Attorney for Appellant

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DANIEL ALAS,

Petitioner,

v.

WILLIAM SULLIVAN,

Respondent.

)
) C 07-3811 SI
)
) **APPLICATION FOR**
) **EXTENSION OF TIME**
) **TO FILE TRAVERSE**
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Pursuant to Civil L.R. 6-3 and Habeas L.R. 2254-6, petitioner hereby requests a 60-day extension of time, until April 13, 2008, in which to file a traverse to the response to the petition for writ of habeas corpus. Good cause for the extension is set forth in the accompanying declaration of counsel. Respondent's counsel was called today and a voice mail message was left informing her of my intention to apply for an extension.

WHEREFORE, petitioner respectfully requests that this Court grant an extension of time to and including April 13, 2008 in which to file the traverse.

Dated: February 8, 2008

Respectfully submitted,

Hilda Scheib
Attorney for Petitioner

